

REMARKS

Claims 1-5 stand rejected under 35 U.S.C. 102(b) as being anticipated by Hayden (U.S. Patent No. 3,249,502); claims 14-16 stand rejected under 35 U.S.C. 102(b) as being anticipated by Geistlich et al. (GB Patent No. 905195); claims 1-5, 7, 9-13 and 19-27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over McKnight et al. (Ulster Med. J. 1968) in view of Ansel (Pharmaceutical Dosage Forms and Drug Delivery System) and Braun et al. (Pharmaceutical Formulation); claims 6 and 8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Coles et al., Ansel and Braun et al., and Clark and in further view of Flick (Cosmetic and Toiletry Formulations, 2nd ed.).

The rejections of claims 1-18 are moot in view of the present amendment where claims 1-18 have been canceled without prejudice.

With respect to the originally filed method claims, claims 1-5, 7, 9-13 and 19-27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over McKnight et al. (Ulster Med. J. 1968) in view of Ansel (Pharmaceutical Dosage Forms and Drug Delivery System) and Braun et al. (Pharmaceutical Formulation); claim 17 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Geistlich et al. and further in view of Peterson et al. (U.S. Patent No. 5,861,144); and claim 18 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Geistlich et al. and Peterson et al. and further in view of Flick.

Claim 19 recites a method of treating a wart including the step of providing a pharmaceutical preparation that includes formaldehyde as an active ingredient and further includes at least one other ingredient. In complete contrast to prior art preparations, the wart remover preparation of the present invention is in the form of a powder or a gel. As mentioned in the present specification, a common treatment for warts is the application of an acid or other composition to the surface of the wart by effectively "painting" the medication onto the wart surface due to the liquid nature of the medication. These types of products are commercially distributed in stores and

into a gel form. Neither of these references recognizes that in the treatment of warts, a solid composition (gel or powder) provides advantageous results and an improved way of treating warts. The Ansel reference fails to recognize or even contemplate the inclusion of formaldehyde in a gel composition, while the McKnight et al. reference only discusses the treatment of warts in terms of applying a liquid to the skin. Since neither of these references nor any of the other references, including the Hayden reference, contemplate preparing a gel or powder composition and then applying the gel to a wart, the rejection of claim 19 is improper and should be withdrawn.

In other words, previous handling and treatment of warts with formaldehyde was carried out by dispensing a liquid solution of formalin over the area so as to bath the wart. This is much different than providing the active formaldehyde ingredient as a solid (gel or powder) and applying it to the skin in this state. Since the present method of treating a wart is neither disclosed nor suggested or contemplated by the cited references, the present rejection must be withdrawn. None of the other references cures this deficiency since the other references, such as the Hayden reference, are not directed to treatment of warts but instead, at best, only disclose the inclusion of formaldehyde in substances that are used in completely unrelated fields, such as embalming procedures, etc. As such, these references fail to provide the necessary teaching of applying a gel or powder to a wart for treatment thereof as opposed to the conventional treatment technique of applying a liquid.

The references that the Examiner refers to as disclosing medications in powder form once again suffer from the same deficiencies of the other cited references in that they fail to show a powder having formaldehyde in the claimed amount as well as other ingredients that make the preparation suitable for application to a wart for treatment thereof. Once again, none of the cited references, alone or in combination, disclose or even suggest providing a dry powder having the claimed composition and then applying it to the wart. Applicant submits that the previous treatment protocol for warts involved an application of a liquid solution or the application of a medicated patch; however, the use of a powder based product (or a gel) that includes formaldehyde in the proper amount and form has not been envisioned or contemplated. Based on the foregoing, the current rejection is improper.

Consideration and allowance of claim 28 are respectfully requested in view of the above comments with respect to amended claim 1.

For the reasons discussed above the method of claim 29 is neither disclosed nor suggested by the cited references. Claim 29 recites the step of forming a rehydratable powder that includes formaldehyde as an active ingredient and silica to cause the preparation to be in power form. The formaldehyde is present in an amount greater than or equal to about 10% by weight and the silica is present in an amount of 45% or greater by weight.

Consideration and allowance of claim 29 are respectfully requested in view of the above comments with respect to amended claim 1.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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~~Respectfully submitted,~~

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